

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 05-1074 BB/CEG

CR 02-953 BB

JOSE ESTEBAN GUERRERO,

Defendant-Movant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court for consideration of "Defendant's Notice to the Court [of] Intervening Change In the Law" (Doc. 51), filed on February 19, 2008. A Final Order was entered dismissing Defendant's § 2255 motion on May 30, 2007.

A motion to reconsider filed more than ten days after judgment is governed by Fed.R.Civ.P. 60(b). *See Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). Relief under Rule 60(b) is extraordinary and may only be granted in exceptional circumstances. *See Beugler v. Burlington N. & Santa Fe Ry. Co.*, 490 F.3d 1224, 1229 (10th Cir. 2007). To be entitled to Rule 60(b) relief, a party must establish one of Rule 60(b)'s six grounds for relief from judgment. *See Bud Brooks Trucking, Inc. v. Bill Hodges Trucking Co.*, 909 F.2d 1437, 1440 (10th Cir. 1990). Defendant has not shown exceptional circumstances establishing any one of those six grounds for relief. Thus, his motion will be denied.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE